

## STATEMENT OF PURPOSE

### RS20874

This Department of Defense request that states adopt legislation to consider the unique aspects of military service when balancing equities between parent and child in custody and visitation cases involving service members who must be separated from their families for an extended period of time during mobilizations, temporary duty, or deployment. While Idaho Code covers the provision of deployment not being a sole factor in custodial decisions in 32-717 (2008); and 15-5-104 (1991), the desired outcome for the best protections covers other provisions as Best Practices and include these substantive points:

1. No permanent orders altering existing custody arrangements should be entered while the custodial parent is unavailable due to military service.
2. Past, current, or possible future absences due to military service should not serve as the sole basis for altering a custody order in place prior to the absence. This one is already covered by Idaho law.
3. The custody order in place before the absence of a military parent should be reinstated within a set time upon the return of the military parent, absent proof that the best interests of the child would be undermined.
4. A service member with visitation rights should be allowed to petition the court to allow those visitation rights to be delegated to a third person during the service member's absence due to military service.
5. States frequently include: (1) Allow expedited hearings upon the request of a service member. (2) Let the court use electronic testimony when the Service Member is unavailable, if it is in the best interest of the Service Member.

### FISCAL NOTE

There is no fiscal impact to the general fund.

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